



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

June 8, 2012

Bud C. Cribley, State Director
Bureau of Land Management Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504

Re: EPA comments on the Draft Environmental Impact Statement for the Bureau of Land Management National Petroleum Reserve-Alaska (EPA Project # 10-045-BLM).

Dear Mr. Cribley:

Thank you for the opportunity to review the Draft Environmental Impact Statement (EIS) for the Bureau of Land Management (BLM) National Petroleum Reserve-Alaska (NPR-A) Integrated Activity Plan (IAP) in the North Slope Borough, Alaska (CEQ # 20120091). We have reviewed the EIS in accordance with our responsibilities under National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions as well as the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

We have given the EIS an overall rating of EC-2 (Environmental Concerns-Insufficient Information), applicable to all alternatives. Our rating is based on concerns about potential impacts to water quality, air quality, habitat and subsistence, and a need for additional information regarding air modeling and differential setbacks from water bodies. While we believe that the information and level of detail in the document is generally adequate overall, we recommend that additional information, consistent with the commitments outlined in the June 2011 Memorandum of Understanding for Air Quality Analysis and Mitigation for Oil and Gas Activities on Federal Lands Air Quality, be included in the Final EIS. A description of our rating system is enclosed.

Based on the information in the Draft EIS, we believe Alternative B appears to be environmentally preferable compared to the other action alternatives. This conclusion is based on the alternative's greater protections for surface resources, including that of lands on which non-subsistence infrastructure is currently prohibited. The new or enlarged Special Areas provide additional caribou calving and insect relief acreage, as well as habitat for bird molting, staging and migration.

We appreciate the tremendous effort of the BLM to produce a comprehensive yet succinct document that clearly articulates the anticipated impacts of the proposed project. We believe that the visual graphics, quantitative impact tables and appendices are extremely useful to the reader, as is the EIS project website. Finally, we commend the BLM's extensive effort to involve and consult with North Slope communities and stakeholders. This has resulted in a document that we believe is responsive to local concerns and needs. We offer the attached comments to inform the BLM of issues that the EPA believes warrant additional consideration in the NEPA analysis of the Final EIS for the project.

Air Quality

As stated above, the Draft EIS does not include the appropriate information regarding air quality analysis as outlined by the air quality MOU signed last year by the EPA, the Department of the Interior and the Department of Agriculture. For consistency with the MOU, we believe the Draft EIS should have included air quality modeling to assess impacts to air quality and "Air Quality Related Values" from the proposed action. Therefore, we strongly recommend that this analysis be completed and incorporated into the Final EIS. We look forward to working with you on this issue for this action as well as future projects in NPR-A.

Water Quality

While we do not have substantial concerns regarding potential impacts to water quality based on the information presented in the Draft EIS, we would appreciate additional information regarding the decisions for the different setbacks for different rivers as well as the coastal areas in NPR-A as identified in Least Stipulations/Best Management Practices K-1 and K-6.

Clean Water Act Section 404(b)(1) Analysis

We understand that for a broad management plan such as this one, it is not yet appropriate or feasible to develop a draft 404(b)(1) analysis. However, we recommend that future NEPA documents for specific projects in the NPR-A include such an analysis in compliance with the Clean Water Section 404(b)(1) Guidelines when those specific projects involve a discharge of dredged or fill material into waters of the United States. By including this analysis in project-specific EISs, permitting decisions under Section 404 can be coordinated with other agency decisions, including the consideration of whether the proposed discharge would represent the least environmentally damaging practicable alternative.

EPA Regulatory Role

In Section 1.9, the EIS discusses the current status of the transfer of the National Pollutant Discharge Elimination System (NPDES) program to the State of Alaska. Based on a recent agreement between the EPA and the Alaska Department of Environmental Conservation, we recommend this paragraph be revised to state that the transfer of Phase IV will be completed on October 31, 2012. For more information about program transfer, please see the Alaska Pollutant Discharge Elimination System website at <http://dec.alaska.gov/water/APDES/phaseIVextension.html>. Please revise "Pollution" to "Pollutant" wherever NPDES is referenced in the document.

Also in this section, the EIS references "other Clean Water Act mandated permits" and lists oil discharge prevention and contingency plans as well as underground injection authorizations. We recommend that this statement be revised to reflect that, in addition to the requirements under the CWA, oil discharge and contingency planning is also mandated by the Oil Pollution Act of 1990, and underground injection control (UIC) is mandated by the Safe Water Drinking Act of 1974, as amended in 1986 and 1996. The EIS may also specify that EPA issues Class I UIC permits (industrial hazardous wastes) and the Alaska Oil and Gas Conservation Commission issues Class II permits (oil and gas-related wastes).

Reasonably Foreseeable Future Activities

We recommend that coordination with U.S. Army Corps of Engineers continue to ensure that the most current alternatives for the Foothills West project are reflected in the NPR-A Final EIS, particularly if an alternative from existing Meltwater infrastructure is included (Section 4.7.3.2). Such an alignment could

result in an alternative access corridor into other areas of the Northeast NPR-A in the future, including a Colville River crossing.

Mitigation and Monitoring

We appreciate the discussion of and distinction between the stipulations and the required operating procedures or best management practices, which are discussed in Chapter 2, and the additional mitigation measures, which are identified in Chapter 4. Separating these types of mitigation is helpful to understand what will be required of lessees and what may be required under the Record of Decision. We recommend that additional information be included in the Final EIS to clearly distinguish between those mitigation measures discussed in Chapter 4 that BLM has the authority to implement, and those of which it cannot and thus would require the involvement of other agencies to execute them. We believe this information would be consistent with CEQ's Guidance, *Appropriate Use of Mitigation and Monitoring and Appropriate Use of Findings of No Significant Impact*, issued in January 2011 (http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf). Finally, and also in line with the mitigation guidance, we recommend that a draft adaptive management plan be identified and included in the Final EIS to monitor and ensure the success of future mitigation efforts.

Again, we appreciate the opportunity to offer comments on the Draft EIS and look forward to continuing to work with the BLM on addressing the issues we have identified for the Final EIS, as well as implementation of the air quality MOU. Please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov or you may contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or curtis.jennifer@epa.gov with any questions you have regarding our comments.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediments Management Unit

Enclosure

Cc: AECOM Project Office-Anchorage
Jim Ducker, BLM-Alaska State Office

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.